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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|---------------------|------------------|
| 10/662,149 | 09/12/2003 | Mustafa Eroz | PD-980163D | 8720 |
| 7590 | 01/12/2006 | EXAMINER | | |
| | | CHUNG, PHUNG M | | |
| | | ART UNIT | PAPER NUMBER | 2138 |
| | | DATE MAILED: 01/12/2006 | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/662,149 | EROZ ET AL. | |
| | Examiner | Art Unit | |
| | Phung My Chung | 2138 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 October 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 14-19, 22-31 and 34-53 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 16 and 53 is/are rejected.
- 7) Claim(s) 14-15, 17-19, 22-31 and 34-52 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/24/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

1. The terminal disclaimer filed on 10/24/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,665,829 has been reviewed and is accepted. The terminal disclaimer has been recorded.

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 16 and 53 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims merely recite a data signal, comprising:

A carrier wave; and

Data...

Thus, the claimed invention does not nothing other than present a data signal that include a carrier wave and data. Therefore, claims 16 and 53 are not patentable under 35 U.S.C. 101.

4. Claims 14-15, 17, 29, 41 and 51-52 are objected to because of the following informalities: For suggestions.

As per claim 14, line 2, insert - - , - - before "the method comprising the steps of:";

Line 4, "a data block" should be replaced with - - data blocks, each data block - - .

As per claim 15, line 4, "a data block" should be replaced with - - data blocks, each data block - - .

As per claim 17, line 3, "a data block" should be replaced with - - data blocks,
each data block - -; and

Line 6, "the data block" should be changed to - - the data blocks - -.

As per claim 29, line 3, "a data block" should be replaced with - - data blocks,
each data block - -; and

Line 6, "the data block" should be changed to - - the data blocks - -.

As per claim 41, line 4, "a data block" should be replaced with - - data blocks,
each data block - -; and

Line 5, "the data block" should be changed to - - the data blocks - -.

As per claim 51, line 2, insert - - , - - before "the method comprising";

Line 4, "a data block" should be replaced with - - data blocks, each data block - -;
and line 6, insert - - is - - before "a Turbo Code".

As per claim 52, line 3, "a data block" should be replaced with - - data blocks,
each data block - -.

Appropriate correction is required.

Note: Claims 14-15, 17-19, 22-31 and 34-52 are allowable if rewritten to over
come the all of the informalities objection as stated above.

5. Claims 16 and 53 are rejected under 35 U.S.C. 112, second paragraph, as being
indefinite for failing to particularly point out and distinctly claim the subject matter which
applicant regards as the invention.

As per claim 16, line 3, "a carrier wave" is not clear what it is for; and

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Lines 3-4, "a carrier wave; and data..." the interconnection/interrelation between these data are unknown. Appropriate correction is required.

As per claim 53, line 3, "a carrier wave" is not clear what it is for; and

Lines 3-4, "a carrier wave; and data..." the interconnection/interrelation between these data are unknown. Appropriate correction is required.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



PHUNG M. CHUNG
PRIMARY EXAMINER